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## **DRAFT REVISED Guidance for Solid Waste Handling And Disposal Facilities on Compliance With MassDEP's Waste Bans**

**In Support of 310 CMR 19.000, Solid Waste Management Regulations  
310 CMR 19.017 Waste Bans**

**Revised:  
~~April 2014~~2020 TBD**

## Revised Waste Ban Guidance Document Summary of Changes

- **Define/Revise definition of “commercial organic material”:** ~~Includes businesses and institutions that generate ½ ton or more per week for disposal. ; Define commercial organic material as a banned material. Add definition of “Residence or residential” in this context to ensure they are not covered by waste bans. See pgs. 4-6 for definitions.~~
- **Add definitions for mattresses and textiles:** ~~Additional materials banned from disposal.~~
- **Modify protocols for facility monitoring, inspections, and response to failed loads in Sections V, VI, and VIII.**
- ~~**Change action levels for recyclable paper and bottles and cans:** Reduce the action level for each of these materials individually from 20% to 10%. See pages 8-9.~~
- ~~**Add a cumulative action level for all banned materials:** Add a cumulative action level of 30% that applies across all banned materials.<sup>1</sup> If the banned materials combined exceed 30% of a load by volume, that load is deemed a failed load, even if none of the materials exceed an action level for a specific material. See page 8.~~
- ~~**Exempt some loads from comprehensive inspections:** The Department Approved Recycling Program (DARP) was eliminated in July 2012, so there are no longer “DARP loads” that are exempt from comprehensive inspection. However, business recycling certification programs have been added. For example, a load from a location certified under MassDEP’s Supermarket Certification Program, or any other similar certification program that is developed, would be exempt from comprehensive inspections. See page 11.~~
- ~~**Eliminate bag opening option for comprehensive inspections:** Previously, a facility could choose between conducting a lower number of comprehensive inspections per month, including opening bags, or conducting a larger number of inspections per month without opening bags. Because of worker health and safety concerns, conducting inspections without opening bags has become the standard for the industry. Therefore, MassDEP has removed the option of opening bags, which streamlines the guidance. See page 12.~~
- ~~**Revise facility letters to haulers:** The facility sample letter to haulers has been modified to address failed loads for commercial organic material, when applicable. See Attachment C.~~

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<sup>1</sup> Includes asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood; commercial organic material; glass, metal, and plastic containers; leaves and yard waste; and recyclable paper.

- ~~**Revise facility letters to generators:** Previously the guidance included a provision for the facility to send a letter to a municipality identified as disposing of banned materials. MassDEP has changed this provision and letter so that a facility would send a letter to any generator known to the facility, and identified as disposing of banned materials. This is in addition to the letter being sent to the appropriate hauler. See Attachment E.~~
- ~~**Simplify submittal and review process:** Solid waste transfer stations that are not construction and demolition waste transfer stations only need to submit a waste ban compliance certification form to MassDEP by July 1, 2014. Other solid waste facilities need to submit their revised Waste Ban Compliance Plan along with a BWP-SW-45 permit application form, which provides for presumptive review.~~

## **GUIDANCE FOR SOLID WASTE HANDLING AND DISPOSAL FACILITIES ON COMPLIANCE WITH MASSDEP'S WASTE BANS**

This Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP's Waste Bans (Guidance Document) is intended to guide parties in complying with the Waste Bans in the Solid Waste Management Facility Regulations at 310 CMR 19.017. The Waste Ban regulations include bans on disposal, transfer for disposal or contracting for disposal of specific listed materials. This Guidance Document summarizes these requirements for solid waste facilities and provides guidance on approaches the Massachusetts Department of Environmental Protection ("MassDEP") considers acceptable for complying with the Waste Bans. Facilities using this Guidance Document should be aware that there may be other acceptable alternatives for achieving compliance with the Waste Bans.

This Guidance Document is intended solely as guidance for solid waste management facilities in developing waste ban compliance plans as required by 310 CMR 19.017(6). This Guidance Document is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in any litigation with the Commonwealth. Nothing in this Guidance Document relieves a solid waste management facility from compliance with the facility's MassDEP approved waste ban compliance plan, nor does it limit MassDEP's authority in approving or disapproving any Waste Ban Plan or determining compliance with an existing plan or enforcing an existing plan. MassDEP reserves the right to act at variance with this Guidance Document and change it at any time without public notice.

### **INTRODUCTION**

"Waste Bans" are prohibitions on the disposal, transfer for disposal or contracting for disposal of certain hazardous, recyclable or compostable items at solid waste facilities in Massachusetts. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. The waste bans also prohibit disposal or transfer for disposal of certain toxic substances or materials that may adversely affect our environment when landfilled or combusted.

This Guidance Document supersedes and replaces in its entirety the previous version issued by MassDEP ~~on March 11, 2014~~ in April 2014. The changes to this document include the addition of commercial organic material as a restricted material, changes to action levels for some materials, changes to comprehensive inspection requirements, and other changes. To aid reviewers, a summary of the changes has been provided at the beginning of this document.

### **REMOVAL OF WASTE BAN MATERIAL**

The waste ban regulation states that "no landfill, transfer facility or combustion facility shall accept the restricted material except to handle, recycle or compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(6) and approved by the Department."

Pursuant to this regulation, every solid waste management facility must remove and/or divert from disposal all waste ban materials in accordance with a waste ban compliance plan (“Waste Ban Plan”) approved by MassDEP.

This Revised Guidance document is intended to assist the operator of a solid waste management facility in complying with the waste ban requirements at 310 CMR 19.017. In accordance with the provisions and the timetable set forth in MassDEP’s solid waste facility regulations (310 CMR 19.000), acceptance for the purpose of disposal or transfer for disposal of the following materials is prohibited at a Massachusetts solid waste transfer station, landfill, combustion facility, and construction and demolition debris handling facility:

Asphalt pavement, brick and concrete;  
Cathode ray tubes;  
Clean gypsum wallboard;  
Commercial organic material;  
Glass containers;  
Lead batteries;  
Leaves and yard waste;  
Mattresses  
Metal;  
Metal containers;  
Recyclable paper;  
Single polymer plastics;  
Textiles  
Tires;  
White goods; and  
Wood.

These materials may be transferred for further processing, reuse or recycling. The waste bans on wood and whole tires do not apply to combustion facilities.

Waste Ban Plans must demonstrate in detail how the facility operator will not dispose, or transfer for disposal, banned materials. Waste Ban Plans must demonstrate how the facility will, to the greatest extent possible, separate out from waste loads banned materials for subsequent reuse or recycling. Once MassDEP approves a Waste Ban Plan, it becomes a part of the facility’s permit and the facility must implement it. MassDEP will use a facility’s approved Waste Ban Plan and all applicable permits to evaluate compliance with 310 CMR 19.000 and conduct enforcement as necessary.

The plan should be submitted using the form provided in Attachment G and should include detailed descriptions of procedures for:

- Monitoring all incoming loads on an ongoing basis;
- Conducting comprehensive inspections of certain loads;

- Responding to failed loads, including steps to separate banned materials for recycling and written communication that will be sent to responsible parties when they deliver unacceptable amounts of banned materials; and
- Complying with other Waste Ban Plan components such as signage, training and annual reporting.

## CONTENTS

This document includes the following sections:

Section I	Definitions <del>of Materials Banned by 310 CMR 19.017</del>
Section II	<u>Solid Waste Management</u> Facilities Subject to 310 CMR 19.017 and Requiring a Waste Ban Plan
Section III	Compliance Plan Submittal and Approval
Section IV	Waste Ban Compliance Standard and Action Level Thresholds
Section V	Ongoing Waste Stream Monitoring/ <u>Inspection</u>
Section VI	Comprehensive Load Inspections
Section VII	Record Keeping
Section VIII	Facility Response to Failed Loads
Section IX	Other Compliance Plan Elements
Section X	Compliance and Enforcement

Also included as separate documents are the following attachments:

- Attachment A - Ongoing Monitoring Recording Sheet
- Attachment B - Comprehensive Inspection Recording Sheet
- Attachment C - Sample Facility Letter to Hauler
- Attachment D - Summary of Waste Ban Requirements
- Attachment E - Sample Facility Letter to Generator
- Attachment F - Sample Signage Language
- Attachment G - Waste Ban Compliance Plan Form

## I. DEFINITIONS

**Asphalt Pavement, Brick, and Concrete (ABC):** asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges and similar sources. This includes both coated (e.g. painted) or uncoated ABC.

**Cathode Ray Tubes:** any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

**Clean Gypsum Wallboard:** gypsum wallboard that is not contaminated with paint, wallpaper, joint compound, adhesives, nails, or other substances after manufacture. Gypsum wallboard means a panel (also known as drywall) with a gypsum core and faced with a heavy paper or other material on both sides.

**Clean Wood:** discarded material consisting of trees, stumps and brush, including but not limited to sawdust, chips, shavings, bark, and new or used lumber. Clean wood does not include:

- (1) wood from commingled construction and demolition waste;
- (2) engineered wood products; and
- (3) wood containing or likely to contain:
  - (a) asbestos;
  - (b) chemical preservatives such as, but not limited to, chromated copper arsenate (CCA), creosote or pentachlorophenol; or
  - (c) paints, stains or other coatings, or adhesives.

**Commercial Organic Material:** effective through September 30, 2021 means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from a residence. Effective beginning October 1, 2021 means food material and vegetative material from any entity that generates more than one-half ton of those materials for solid waste disposal per week, but excludes material from a residence.

~~**Commercial Organic Material:** means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from a residence.~~

**Construction and Demolition Waste (C&D) Processing Facility:** Means a handling facility where construction and demolition waste is brought, stored and processed (usually by sorting, crushing, shredding, screening, etc.) prior to reuse or transport to a solid waste disposal facility or to other types of facilities for recycling, recovery or reuse.

**Construction and Demolition Waste (C&D) Transfer Station:** Means a transfer station permitted by the Department to accept 50 tons per day or more of construction and demolition waste. A C&D waste transfer station may accept other types of solid waste in accordance with its permit.

**Food Material:** material produced from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.

**Glass Containers:** glass bottles and jars (soda-lime glass). Excludes all of the following: light bulbs, glass cookware, plate glass, drinking glasses, windows, windshields and ceramics.

**Lead Batteries:** lead-acid batteries used in motor vehicles or stationary applications.

**Leaves:** deciduous and coniferous leaf deposition.

**Mattress:** any resilient material or combination of materials that is enclosed by ticking, used alone or in combination with other products, and that is intended for sleeping upon. Mattress includes any foundation. "Mattress" does not include any mattress pad, mattress topper, sleeping

bag, pillow, car bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper, liquid or gaseous filled ticking, including any water bed and any air mattress that does not contain upholstery material between the ticking and the mattress core, and mattresses in futons and sofa beds.

**Metal:** ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

**Metal Containers:** aluminum, steel or bi-metal beverage and food containers.

**Recyclable Paper:** all paper, corrugated cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

**Residence or Residential:** a single, multi-family, or group home, or apartment complex. For purposes of this guidance document, a group home means an establishment, usually resembling a private home, for providing a small group of persons with special needs, such as handicapped or elderly persons or children, with lodging and supervised care. Residence does not include any centralized dining facility.

**Single Polymer Plastics:** ~~all narrow-neck~~ plastic containers including bottles, jugs, jars, and tubs, where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer plastic containers labeled 1—6.

**Textiles:** clothing, clean footwear, bedding, towels, curtains, fabric, and similar products.

**Tires:** a continuous solid or pneumatic rubber covering intended for use on a motor vehicle. Shredded tires, defined as tires that have been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated, are not tires subject to the waste bans.

**Vegetative Material:** plant material.

**White Goods:** appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or to cool or to heat air or water.

For purposes of the waste bans, white goods include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.

**Wood:** treated and untreated wood, including but not limited to clean wood.

**Yard Waste:** deciduous and coniferous seasonal depositions (e.g., leaves), grass clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter (excluding diseased plants).



## **II. SOLID WASTE MANAGEMENT FACILITIES SUBJECT TO 310 CMR 19.017 AND REQUIRING A WASTE BAN PLAN**

The following facilities must comply with the waste bans and submit a Waste Ban Plan to MassDEP for approval:

- Solid waste landfills;
- Solid waste combustion facilities;
- Solid waste transfer stations; and
- Construction and demolition handling facilities (including both construction and demolition processing facilities and construction and demolition transfer stations).

MassDEP will not require a Waste Ban Plan from an ash-only or sludge-only landfill as long as these facilities do not manage municipal solid waste or construction and demolition debris and, therefore, do not handle banned materials.

### **Specific Exemptions from Certain Waste Ban Compliance Plan Requirements**

Notwithstanding the following specific exemptions, MassDEP encourages every facility to establish and implement a program to divert waste ban materials from disposal whenever possible.

- 1. A Facility That Receives Only Waste Loads less than or Equal to 5 Cubic Yards.** A solid waste facility whose approved waste ban compliance plan states that it does not receive any amount of waste in containers or vehicles with a capacity greater than 5 (five) cubic yards does not need to conduct record keeping or comprehensive load inspections. However, the facility still needs to monitor all waste for banned materials as part of its ongoing waste ban monitoring and, for any failed loads discovered during on-going waste ban monitoring, comply with Section VIII, Facility Response to Failed Loads.

A facility that receives only waste loads less than or equal to 5 cubic yards may aggregate loads of 5 cubic yards or less that may contain asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood, into any size solid waste container or vehicle. The consolidated load may then be sent to a permitted solid waste facility for disposal and not be subject to MassDEP waste ban enforcement for asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood disposal. Please note this exemption allowing aggregating waste loads of 5 cubic yards or less for the listed materials does not apply to other banned materials (i.e. cathode ray tubes, commercial organic material, glass containers, lead batteries, leaves, metal containers, recyclable paper, single polymer plastics, tires, white goods, and yard waste).

Example: A municipal transfer station with an approved waste ban compliance plan, which states that it does not receive waste in containers or vehicles with a capacity of greater than 5 cubic yards, may consolidate asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood, into a container or vehicle, in any amount, for those specific materials. That container or vehicle may then be sent to another solid waste facility for disposal. In such a case, that container or vehicle would not be subject to MassDEP waste ban enforcement for asphalt pavement, brick, concrete, clean gypsum

wallboard, metal and wood for that waste load, regardless of the quantity of those materials in the load. However, the municipal transfer station Waste Ban Plan must demonstrate how other banned materials (i.e. cathode ray tubes, glass containers, lead batteries, leaves, metal containers, recyclable paper, single polymer plastics, tires, white goods, and yard waste) will be handled.

MassDEP will post on its website a list of every solid waste transfer station that has an approved waste ban compliance plan which states that the facility does not receive waste in containers or vehicles with a capacity of greater than 5 cubic yards.

If a facility accepts any waste load of any type of waste greater than five cubic yards, this exemption does not apply. In this case, all the requirements for waste ban compliance apply.

2. **Tires.** Whole tires may be disposed at a solid waste combustion facility, and shredded tires may be disposed at a landfill.
3. **Wood.** Wood may be disposed at a solid waste combustion facility.
4. **Commercial Organic Material.** This definition does not include food and vegetative material from a residence. Therefore, a solid waste facility is not required to inspect and monitor for commercial organic material in loads collected from residential only routes. Note that these loads must still be inspected for all other banned materials.

### III. COMPLIANCE PLAN SUBMITTAL AND APPROVAL

#### A. Deadline for plan submission

Each solid waste facility must submit either a revised waste ban compliance plan or a waste ban plan certification form, as described below, to MassDEP by July 1, 20~~21~~<sup>14</sup>. The submittal should be addressed to the solid waste section chief at the appropriate MassDEP region.

#### B. Appropriate Permit Application Forms and Approval Process

MassDEP encourages every facility to use MassDEP's Waste Ban Compliance Plan Form (see Attachment G) to ensure that the key elements of this document are included in its Waste Ban Plan and to speed MassDEP's review and evaluation.

In addition to all other Sections in Attachment G, a C&D Handling Facility must complete Section 4 – Construction and Demolition Handling Facilities.

Landfills, municipal waste combustors and construction and demolition waste handling facilities need to submit a revised Waste Ban Compliance Plan with a BWP SW 45 permit application form, which provides for presumptive approval under 310 CMR 19.034. This form is available on <http://www.mass.gov/eea/agencies/massdep/recycle/approvals>. The exceptions to this are if the facility proposes a significant physical modification as part of its waste ban compliance plan or if the plan deviates significantly from MassDEP's waste ban plan template. MassDEP reserves the right to require a different permit application if a significant physical modification of the facility is proposed as part of the waste ban plan submittal and/or if a facility proposes a waste ban plan that deviates from MassDEP's waste ban plan template.

Solid waste transfer stations that are not construction and demolition waste transfer stations need to prepare a revised Waste Ban Compliance Plan. However, under 310 CMR 19.035, they do not need to submit this plan to MassDEP as long as the plan is consistent with the guidance document. The plan must be kept on site and available for MassDEP review. Only a waste ban plan certification form is required to be submitted. This form is available on <https://www.mass.gov/guides/massdep-waste-disposal-bans>~~<http://www.mass.gov/eea/agencies/massdep/recycle/solid/massachusetts-waste-disposal-bans.html#5>~~.

### IV. WASTE BAN COMPLIANCE STANDARD AND ACTION LEVEL THRESHOLDS

Every solid waste management facility must remove and/or divert from disposal all waste ban materials to the greatest extent possible. Failure to prevent disposal of waste ban materials to the greatest extent possible may result in enforcement action by MassDEP. Complying with this standard is determined by many factors, including but not limited to the following:

- The type of waste ban material;
- The quantity of waste ban material;

- The quality or physical condition of the waste ban material as it may impact recycling/recovery options; and
- The potential for removing the waste ban material based on the size of the material and whether the material can be separated easily from the solid waste.

While MassDEP may take enforcement for any amount of waste ban materials that MassDEP observes in a shipment destined for disposal, a solid waste management facility is only required to take action in accordance with Section VIII of its approved Waste Ban Plan for unacceptable loads as defined below:

- Lead batteries, white goods, whole tires (except tires disposed of at a municipal waste combustion facility) mattresses, and CRTs are unacceptable in any quantity.
- All banned materials should be cumulatively estimated as a percentage of the waste load. The Action Level is 30 percent by volume for the total of all types of banned materials. (This excludes zero tolerance materials at all facilities, and tires and wood being disposed at a municipal waste combustion facility.)
- Un-bagged leaves and yard waste should be estimated as a percentage of the waste load. The Action Level is 10% by volume, or 10 bags of leaves and yard waste in a load.
- Recyclable paper, including corrugated cardboard, should be estimated as a percentage of the waste load. The Action Level is 10% by volume.
- Textiles should be estimated as a percentage of the waste load. The Action Level is 10% by volume.
- Asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood should be cumulatively estimated as a percentage of the waste load. The Action Level is 20% by volume.
- In order for construction and demolition handling facilities to maintain compliance with the requirement in approved Waste Ban Compliance Plans to separate clean gypsum wallboard to the maximum extent possible for recycling, the following measures are to be taken:
  - Loads that include clean gypsum wallboard must be sorted, to the extent it can be done safely, to remove clean gypsum wallboard to the greatest extent possible prior to any mechanical processing of the C&D waste load.
  - Facilities will not be allowed to transfer (including transfer to another C&D Handling Facility) mixed C&D waste loads that contain clean gypsum wallboard without first safely separating the clean gypsum wallboard for recycling.

- In order to be eligible to receive mixed C&D waste loads, a C&D handling facility must implement operating procedures to safely and effectively separate clean gypsum wallboard prior to transferring or processing C&D loads.
- Glass containers, metal containers and single polymer plastic containers should be cumulatively estimated as a percentage of the waste load. The Action Level is 10% by volume.
- Commercial organic material should be estimated as a percentage of the waste load. The Action Level is 10% by volume.

A failed load is a load in which the banned materials in the load meet or exceed the above action levels. When a failed load is accepted by the facility (i.e. any load that is not turned away or diverted to another facility), the facility shall comply with the requirements of Section VII and VIII.

## **V. ONGOING WASTE STREAM MONITORING/INSPECTION**

To identify the presence of banned materials in waste loads, a Waste Ban Plan must provide for ongoing waste stream monitoring. An on-going waste stream monitoring program must provide effective means for the facility to: 1) determine whether a waste load is a failed load (i.e., whether an action level has been met); 2) detect and divert banned materials from disposal or transfer for disposal; 3) identify and notify haulers and generators who are delivering failed loads to the facility; and 4) compare the ongoing monitoring results against the results of comprehensive load inspections to see if they are representative of all incoming loads.

Construction and demolition handling facilities do not need to keep records of the amounts of C&D banned materials in waste loads received but are required to keep records of ongoing waste stream monitoring and follow-up on failed loads for all other banned materials.

### **A. Load Selection**

A facility must monitor all waste loads to identify banned materials.

### **B. Inspection Procedure**

At the core of an on-going waste stream monitoring program is the observation and evaluation made by the facility's personnel to identify the types and quantities of waste ban materials in the waste loads the facility handles. Therefore, the Waste Ban Plan should identify each specific activity the facility conducts during its daily operation and what is expected of personnel to implement the on-going inspection program, including the types of training needed to implement these goals. Depending on the type of solid waste facility, the facility's operation may include: receiving, tipping, spreading, consolidating and reloading waste. Any facility with a permitted tonnage of > 50 tons per day shall have a dedicated staff person, in addition to the loader operator on the tip floor, assigned to the responsibilities in Sections V, VI, and VIII of this guidance. The Waste Ban Plan should include how staff will be trained:

- For their specific waste ban compliance responsibilities;

- To identify waste ban materials as they may appear in the myriad of forms within the matrix of a mixed waste load;
- To quantify the amounts of waste ban material in a waste load;
- To identify which loads, depending on the type of materials involved, the condition of the materials, the distribution of the materials or other factors, should be diverted to remove waste ban materials to the greatest extent possible; and
- To know when failed load letters should be sent to haulers and generators.

## VI. COMPREHENSIVE LOAD INSPECTIONS

Comprehensive load inspections (“comprehensive inspections”) complement on-going waste stream monitoring by providing a detailed account of the types, amounts and sources of material entering the facility in a sample of waste loads each month. In addition, results of comprehensive inspections can be compared with ongoing monitoring results to check for discrepancies. This section provides guidance to a facility operator regarding frequency of inspections, selection of loads for inspections, and inspection procedures. As part of its Waste Ban Plan, a solid waste facility is encouraged to propose innovative detection methods, such as the use of video monitors or third party “auditors” of waste ban compliance activities.

### A. Loads not Subject to Comprehensive Load Inspections

The loads described below are not considered subject to comprehensive load inspections, but are still subject to ongoing monitoring as described in Section V.

1. A load with a capacity of five (5) cubic yards or less. Passenger vehicles and most pick-up trucks have less than five (5) cubic yard capacity.

~~2. A load originating solely from a supermarket or other business certified under a MassDEP Certification Program. For a list of certified locations, see the MassDEP web site at <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/stores-with-supermarket-recycling-program-certification.html>.~~

~~2.3. A load originating from a transfer station, because a transfer station is responsible for monitoring its waste stream and conducting its own comprehensive inspections.~~

34. A load accepted by a construction and demolition handling facility which is required as a condition of their permit and/or Waste Ban Plan approval to separate, recycle and divert specific waste ban materials, may satisfy the comprehensive load inspection requirement for those specific banned materials by complying with their permit condition (and waste ban plan approval). Such facilities shall conduct comprehensive load inspections for all banned materials not specifically identified in their permit.

### B. Load Selection

The deterrence capability of an inspection program stems from a combination of the number of days each month or year on which comprehensive inspections occur and the percentage of loads comprehensively inspected. Therefore, facilities shall complete a minimum number of

inspections per month. The Inspection Frequency Table below provides guidance on the number of inspections MassDEP believes is reasonable to ensure compliance.

In recognition of the need to provide equitable treatment for all of a facility's waste suppliers, vehicles shall be selected for inspection on a random basis. Random load selection also will ensure inspection of waste from all types and sizes of collection vehicles. Facility operators must keep the random inspection approach employed confidential so as not to allow haulers to evade detection.

<b>Inspection Frequency Table</b>	
Facility Size in Permitted Tons per Day	Min. # of Vehicles to Inspect per Month (must have capacity greater than 5 cubic yards)
facility only accepting loads of 5 cubic yards or less	0
1-99	4
100-299	8
300-499	12
500-999	16
1000 +	20

### C. Inspection Procedure

1. A comprehensive load inspection shall be conducted in a manner that does not endanger the safety of facility or hauler personnel. In general, a waste load designated for inspection shall be spread out in a manner that will allow facility personnel to identify banned material. Facility personnel should then assess the load by following the inspection procedure below. Any facility with a permitted tonnage of > 50 tons per day shall have a dedicated staff person, in addition to the loader operator on the tip floor, assigned to the responsibilities in Sections V, VI, and VIII of this guidance.

Facility personnel shall visually inspect waste by walking around the load looking for banned materials that are typically not bagged (e.g., tires, lead batteries, white goods, CRTs, corrugated cardboard, asphalt pavement, brick, concrete, clean gypsum wallboard, metal, ~~and~~ wood, and mattresses). Then, personnel shall scan the bagged waste for obvious evidence of banned materials (e.g., clear bags containing paper, leaves, single polymer plastic containers, glass containers, and/or metal containers and textiles; paper yard waste bags; plastic bags of leaves that “bounce” off the truck).

2. Once a waste load has been tipped and inspected for banned materials and quantities of banned materials that meet or exceed the Action Level Thresholds are discovered, the entire load is considered to have failed the inspection and must be recorded as such. See Section IV, Waste Ban Compliance Standard and Action Level Thresholds, for descriptions of Action Level Thresholds for banned materials. Guidance on procedures

for how the facility must respond to a failed load is outlined in Section VIII, Facility Response to Failed Loads.

3. For a transfer station where it is logistically infeasible to spread out a waste load for inspection (typically a small transfer station) the facility's compliance plan shall describe how banned materials will be identified.

## **VII. RECORD KEEPING**

To implement the record-keeping requirements of 310 CMR 19.017 (6)(b), the facility should record and maintain the following information. Whenever possible, data should be kept in an electronic format that will be available to the Department on request. Facilities that keep electronic data in this way will not be required to maintain paper copies at the facility.

### **On-going Waste Stream Monitoring**

The same information listed below for comprehensive load inspections shall be recorded for all ongoing waste stream monitoring loads that contain quantities of banned materials that meet or exceed Action Level Thresholds (failed loads).

### **Comprehensive Load Inspections**

The following should be recorded for every comprehensive load inspection.

- Date and time of inspection;
- Hauler's name, address and phone number;
- Load Scale ticket number (or other facility specific load record number);
- Generator's name and address (if known);
- Tons or cubic yards of waste in each inspected load;
- Any quantity of banned materials observed;
- Whether or not the load is a failed load;
- Disposition of every failed load including loads that were rejected after tipping and reloaded into the hauler's vehicle;
- When banned materials are separated from a failed load, the disposition of separated banned materials, including the quantity and location where banned materials were diverted from disposal;
- Where a failed load is disposed at the facility or transferred for disposal due to difficulties associated with reloading it, the operator's rationale for the decision should be included in the inspection program records; and
- Documentation of communication follow-up with haulers and/or generators connected with a failed load as noted in Section VIII.

The results of the comprehensive load inspection shall be documented on the comprehensive load inspection reporting sheet. See Attachment B for suggested format. In addition, the facility's annual report must summarize and incorporate the inspection program data for both on-going and comprehensive load monitoring.



The facility is encouraged to include materials in its reports, such as photographs, to document inspection activities and the detection and handling of failed loads. The facility should keep inspection data in an electronic format that can be provided to the Department upon request.

## **VIII. FACILITY RESPONSE TO FAILED LOADS**

### **A. Communication**

The facility shall take the following actions when a failed load is received at the facility. The facility's Waste Ban Plan must document how it will address the items below and also include sample letters and other documents that will be used as part of the facility's communication aids.

1. Notify the driver that the load is in violation of the waste ban regulations, including the type and amount of banned material found in the load.
2. Within 45 days of the observation, send a letter to the hauler (see Attachment C) identifying the generator (as available), which banned materials were in the load, and encouraging the hauler to work with its customers to separate banned materials and recycle or dispose of them appropriately. Include in the communication any documentation of the failed load. The facility also shall furnish a MassDEP letter and fact sheet (see Attachment D) to the hauler explaining the waste bans. The exception to this notification requirement is if the banned material is identified through the Ongoing Monitoring procedure and the source is a vehicle with a capacity of five (5) cubic yards or less; in which case the facility is not required to send a letter to the entity that delivered that material.
3. Whenever the generator can be identified, send a letter to the generator (see Attachment C) within 45 days of the observation. The facility also shall furnish a MassDEP letter and fact sheet (see Attachment D) to the generator explaining the waste bans.

### **B. Failed Load Disposition**

A facility's Waste Ban Plan must identify how all failed loads will be managed, including addressing the hierarchy listed below. Any facility with a permitted tonnage of > 50 tons per day shall have a dedicated staff person, in addition to the loader operator on the tip floor, assigned to the responsibilities in Sections V, VI, and VIII of this guidance. ÷

1. Reject or reload if it is safe to do so.
2. Accept the waste load; then to the maximum extent possible, separate and divert banned materials from disposal (in the case of wood and whole tires, divert from disposal at landfills).
3. Transfer the material to a facility with an approved Waste Ban Compliance Plan that includes separation and diversion of the banned materials for recycling or reuse, or is permitted to accept these materials for transfer to another permitted facility for subsequent diversion of these materials for recycling or reuse.

4. As a last resort, dispose (or transfer for disposal of) the load only when the waste cannot be recycled (either at the facility or if transferred to another facility), rejected or reloaded because reloading the waste would endanger workers or substantially disrupt facility operations. The facility operator's rationale for disposing a failed load should be recorded and retained in facility's operating logs.
5. Loads that contain C&D materials above action levels (asphalt pavement, brick, concrete, clean gypsum wallboard, metal, and wood) should not be accepted and disposed. A facility's waste ban plan should identify procedures for either rejecting these loads, accepting and separating the banned materials in these loads, or transferring them to a C&D processor that is compliant with MassDEP's Minimum Performance Standard Policy for C&D facilities.
6. Zero tolerance items (lead batteries, white goods, whole tires (except tires disposed of at a municipal waste combustion facility) mattresses, and CRTs) should be separated for recycling whenever they are identified in a load.
- 4.7. The waste ban plan should specifically address how a facility will separate clean cardboard observed above action levels for recycling.

## IX. OTHER COMPLIANCE PLAN ELEMENTS

### A. Training

The plan shall include a description of annual training for facility personnel regarding how to monitor waste loads for banned materials, conduct waste load inspections, and keep proper records.

### B. Signage

The plan shall include posting appropriate signs at the facility entrance and at waste receiving areas informing facility users of the waste ban regulations and listing the pertinent materials banned from disposal and transfer for disposal. This signage may also state which materials are permitted to be accepted at the facility for diversion to recycling or reuse. (See Attachment F for example.)

### C. Annual Facility Report

In the plan, the facility shall answer all questions relating to the Waste Ban Plan on the facility's annual reporting form provided by MassDEP. A facility required by its MassDEP permit to submit reports on another frequency, such as quarterly, must indicate that the required reports will be submitted to MassDEP.

## X. COMPLIANCE AND ENFORCEMENT

### A. Facility Waste Ban Plan Implementation

To comply with 310 CMR 19.017, a facility must implement the actions specified in its Waste Ban Plan as approved by MassDEP and ensure that banned materials are diverted from disposal or transfer for disposal in accordance with the approved plan.

### B. Department Inspection Program

MassDEP will conduct facility inspections that will include, but not be limited to, determining whether a facility is employing an ongoing waste stream monitoring program, conducting comprehensive load inspections and diverting banned materials from disposal or transfer for disposal in accordance with the facility's approved Waste Ban Plan and the regulations. In addition, MassDEP personnel may review a facility's records concerning its monitoring and waste load inspection program to corroborate the facility's compliance activities. Records of correspondence between the facility and haulers and/or generators also will be reviewed to determine whether the facility is conducting its ongoing waste stream monitoring and comprehensive load inspections and whether the appropriate parties are notified about failed loads and the opportunities to source separate banned materials.

In addition to observing ongoing waste stream monitoring procedures, MassDEP may request that comprehensive inspections be performed in the presence of a MassDEP inspector, for the purpose of observing and evaluating the facility's comprehensive waste load inspection process, even if such inspections were not scheduled for that day. Such an inspection may count toward the monthly inspection total required by the Inspection Frequency Table in Section VI.

**C. Potential penalties for not complying with a Waste Ban Plan**

In accordance with MassDEP's Enforcement Response Guidance, failure to comply with a Waste Ban Plan may result in enforcement action(s). This may include written notices of non-compliance, consent orders, unilateral orders, administrative penalties or referral to the Attorney General. Repeat, pattern, willful or other serious violations, may result in daily penalties of up to \$25,000 for each violation. MassDEP may also require a modified Waste Ban Plan be submitted if it determines that banned materials are not being removed to the greatest extent possible in accordance with 310 CMR 19.017(7).

## Ongoing Monitoring Recording Sheet

**Date:**

☐ All other waste loads were monitored and did not contain banned material above action levels

Signature \_\_\_\_\_

**Attachment B**  
**WASTE BAN COMPREHENSIVE LOAD INSPECTION**  
**REPORTING SHEET**

**Date & time of inspection** \_\_\_\_\_ **Hauling Co.** \_\_\_\_\_ **Truck #** \_\_\_\_\_


**Size of Truck** \_\_\_\_\_ **Type of Truck** \_\_\_\_\_ **Quantity of Waste** \_\_\_\_\_

**Waste Generator Name** \_\_\_\_\_ **Waste Generator Location** \_\_\_\_\_

<b>Banned Material Documentation Thresholds</b>		<b>Amounts Found During Inspection</b> <i>(fill in quantities)</i>
<b>Material</b>	<b>QTY.</b>	<b>QTY.</b>
Recyclable Paper (includes corrugated cardboard)	10% or more of load by volume	%
Single Polymer Plastic, Metal & Glass Containers	10% or more of load by volume	%
Textiles	10% or more of load by volume	%
Mattresses	Any	
White Goods	Any	
Lead Acid Batteries	Any	
Whole Tires (landfills only)	Any	
CRTs	Any	
Leaves and Yard Waste	10% or more of load by volume OR 10 bags	% #
Commercial Organic Material	10% or more of load by volume	%
Asphalt Pavement, Brick, Concrete, Metal, Wood and/or Clean Gypsum Wallboard	20% or more of load by volume	%
Combined Materials (Recyclable Paper; Glass, Metal, and Plastic containers; Leaves and Yard Waste; Asphalt Pavement, Brick, Concrete, Metal, Wood and/or Clean Gypsum Wallboard: and Commercial Organic Material)	30% or more of load by volume	%

**Communication re: Failed Load:**    ☐ Notified driver that load failed inspection  
   ☐ Requested generator information from hauler

**Disposition of Failed Load:** *(check one)*

<input type="checkbox"/>	Accept, separate, and recycle the banned material.
<input type="checkbox"/>	Reject or reload when substantial amounts of recoverable materials in the load and reasonable outlets for the material.
<input type="checkbox"/>	Dispose, or transfer for disposal, when the waste cannot be recycled, rejected or reloaded <i>(not an option for white goods, lead acid batteries, whole tires, CRTs, and C&amp;D materials).</i>
	<b>Use space below to explain reason for disposing, or transferring for disposal banned materials.</b>

\_\_\_\_\_  
*signature of inspector*

\_\_\_\_\_  
*print inspector's name*

\_\_\_\_\_  
*title*

## ATTACHMENT C

### Sample Letter from Facility to Hauler Regarding Failed Waste Load

Dear [Name of Hauling Company]:

A recent inspection of a waste load delivered by your company revealed materials restricted from disposal at transfer stations and disposal facilities. Massachusetts solid waste regulations (310 CMR 19.017) ban the disposal or transfer for disposal of certain recyclable and hazardous materials. A summary of the Department of Environmental Protection's (MassDEP's) waste ban regulations is included for your reference.

Specifically, truck number \_\_\_\_\_ on (date) delivered (material) to this facility. Please inform your customer(s) serviced by that truck about the state waste ban regulations and the banned materials observed. You may wish to forward this letter and the enclosed MassDEP summary to your customers as a reminder.

**Add sentence if commercial organic material:** [If this material came from a customer that disposes of more than one-half ton of that material per week, then you and your customer are subject to the waste ban and future loads from that customer may be subject to waste ban enforcement by MassDEP.]

As a MassDEP-permitted facility, we are required to ensure that restricted materials are not accepted for disposal. If (name of hauling company) continues to deliver restricted material to this facility, your loads may be rejected, handling fees may be charged, and/or your drivers may experience delays due to the reloading of banned waste. Also, MassDEP will be monitoring our records of load inspections to follow up with repeat violators and may issue enforcement against (name of hauling company) and/or the waste generator.

We appreciate your cooperation in this matter.

Yours truly,

(facility operations manager)

**ATTACHMENT D**

**WASTE BAN FACT SHEET**

**(To be distributed to facility's customers as needed)**



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## Summary of Waste Ban Regulations

This document summarizes the waste ban regulations pursuant to 310 CMR 19.017 of the General Requirements, Procedures and Permits for Solid Waste Management Facilities. These regulations are designed to conserve capacity at existing disposal facilities and stimulate recycling markets by diverting recyclable materials from the waste stream. They also prohibit certain toxic materials that may adversely affect the environment when landfilled or incinerated.

These regulations apply to solid waste landfills, municipal waste combustors and transfer stations. It is the responsibility of the facility operator to ensure that prohibited materials accepted at the facility are appropriately managed when evident. Facilities should monitor their waste streams and inspect all loads of waste for restricted materials. A facility may reject loads containing recoverable restricted materials.

### Definitions of Materials Restricted by 310 CMR 19.017:

**Asphalt Pavement, Brick and Concrete:**

asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges and similar sources. This includes both coated (e.g. painted) or uncoated ABC.

**Cathode Ray Tubes:** any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

**Clean Gypsum Wallboard:**

gypsum wallboard that is not contaminated with paint, wallpaper, joint compound, adhesives, nails, or other substances after manufacture. Gypsum wallboard means a panel (also known as drywall) with a gypsum core and faced with a heavy paper or other material on both sides.

**Commercial Organic Material:**

effective through September 30, 2021 means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from a residence. [Effective beginning October 1, 2021 means food material and vegetative material from any entity that generates more than one-half ton of those materials for solid waste disposal per week, but excludes material from a residence.](#)<sup>1</sup>.

**Glass Containers:** glass bottles and jars (soda-lime glass) but excluding light bulbs, glass cookware, plate glass, drinking glasses, windows, windshields and ceramics.

**Lead Batteries:** lead-acid batteries used in motor vehicles or stationary applications.

**Leaves:** deciduous and coniferous leaf deposition.

**Mattresses:** any resilient material or combination of materials that is enclosed by ticking, used alone or in combination with other products, and that is intended for sleeping upon. Mattress includes any foundation. "Mattress" does not include any mattress pad, mattress topper, sleeping bag, pillow, car bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper, liquid or gaseous filled ticking, including any water bed and any air mattress that does not contain upholstery material between the ticking and the mattress core, and mattresses in futons and sofa beds.

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<sup>1</sup> **Food Material:** material produced from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.

**Vegetative Material:** plant material.

<b>Metal:</b>	ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.
<b>Metal Containers:</b>	aluminum, steel or bi-metal beverage and food containers.
<b>Recyclable Paper:</b>	all paper, cardboard, and paperboard products excluding tissue paper, toweling, paper plates and cups, wax-coated cardboard, and other low-grade paper products.
<b>Single Polymer Plastics:</b>	all narrow-neck plastic containers where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer plastic containers labeled 1-6.
<b>Textiles:</b>	<u>clothing, clean footwear, bedding, towels, curtains, fabric, and similar products <del>made from fabric or leather</del>.</u>
<b>Tires:</b>	a continuous solid or pneumatic rubber covering intended for use on a motor vehicle. <sup>1</sup>
<b>White Goods:</b>	appliances employing electricity, oil, natural gas or liquefied petroleum gas to supply heat or motor power to preserve or cook food, to wash or dry clothing, cooking or kitchen utensils or related items; or to cool or to heat air or water. These include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.
<b>Wood:</b>	treated and untreated wood, including clean wood. <sup>2</sup>
<b>Yard Waste:</b>	deciduous and coniferous seasonal depositions (e.g. leaves), grass clippings, weeds, hedge clippings, garden materials, and brush 1" or less in diameter (excluding diseased plants).

**For more information regarding waste disposal restrictions, contact the appropriate MassDEP regional office**

<sup>1</sup> Shredded tires, defined as tires that have been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated, can be landfilled.

<sup>2</sup> "clean wood" is defined in the solid waste regulations as follows: Clean wood means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings and bark. Clean wood does not include new or used lumber or wood from construction and demolition waste and does not include wood pieces or particles containing or likely to contain asbestos, chemical preservatives such as creosote or pentachlorophenol, or paints, stains or other coatings.

## ATTACHMENT E

### Sample Letter from Facility to Generator Regarding Failed Waste Load

Dear Customer:

A recent inspection of a waste load generated or contracted from your facility or program revealed materials restricted from disposal at transfer stations and disposal facilities. Massachusetts solid waste regulations ban the disposal or transfer for disposal of certain recyclable and hazardous materials. A summary of the Department of Environmental Protection's (MassDEP) waste ban regulations is included for your reference.

Specifically, (material) were delivered to this facility on (date). As a MassDEP-permitted facility, we are required to ensure that restricted materials are not accepted for disposal. If -(name of generator) continues to deliver restricted material to this facility, your loads may be rejected, handling fees may be charged, your drivers may experience delays due to the reloading of banned waste, and/or the matter may be referred to MassDEP for enforcement action.

MassDEP will be monitoring our inspection records to follow up with those who continue to deliver banned waste. For more information on how to start a new recycling program or improve an existing program, please visit [www.recyclingworksma.com](http://www.recyclingworksma.com).

We appreciate your cooperation in this matter.

Yours truly,

(facility operations manager)

## **ATTACHMENT F**

### **SUGGESTED SIGN LANGUAGE**

Signs shall be posed at the facility entrance and at the waste receiving area and should be large enough to be seen by facility's users.

Massachusetts state regulation 310 CMR 19.017 prohibits the disposal, or transfer for disposal, of the following materials:

**Asphalt Pavement, Brick, Concrete**

**Cathode Ray Tubes**

**Clean Gypsum Wallboard**

**Commercial Organic Material**

**Glass Containers**

**Lead Batteries**

**Leaves and Yard Waste**

**Mattresses**

**Metal**

**Metal Containers**

**Recyclable Paper**

**Single Polymer Plastics (Narrow-neck Plastic Containers)**

**Textiles**

**White Goods**

**Whole Tires (at landfills only)**

**Wood (at landfills only)**



## Waste Ban Compliance Plan

### Attachment G

## Part A: General Information

### 1. Facility Information

Facility Name: DEP Facility #	Street Address:
City, State, ZIP:	
Telephone Number: e-mail	Contact Name, Title:
Facility Type (check one): <input type="checkbox"/> Transfer/handling facility <input type="checkbox"/> Landfill <input type="checkbox"/> Solid Waste Combustor <input type="checkbox"/> Construction and Demolition Waste Facility Permitted for C&D Material Separation <input type="checkbox"/> Construction and Demolition Waste Facility Permitted for C&D Material Separation and Acceptance of MSW	

### 2. Owner Information

Owner Name:	Street Address:
City, State, ZIP:	Contact Name, Title:
Telephone Number:  e-mail	

### 3. Operator Information

Operator Name:	Street Address:
City, State, ZIP:	Contact Name, Title:
Telephone Number:  e-mail	



# Waste Ban Compliance Plan

## Part B: General Requirements

### 1. Application Requirements

Under 310 CMR 19.017, each solid waste facility must submit either a revised waste ban compliance plan or a waste ban plan certification form, as described below, to MassDEP by ~~July 1, 2014~~PLACEHOLDER

Landfills, municipal waste combustors and construction and demolition waste handling facilities need to submit a revised Waste Ban Compliance Plan with a BWP SW 45 permit application form, which provides for presumptive approval under 310 CMR 19.034. This form is available on <http://www.mass.gov/eea/agencies/massdep/recycle/approvals>. The exceptions to this are if the facility proposes a significant physical modification as part of its waste ban compliance plan or if the plan deviates significantly from MassDEP's waste ban plan template.

Solid waste transfer stations that are not construction and demolition debris waste transfer stations need to prepare a revised Waste Ban Compliance Plan. However, under 310 CMR 19.035, they do not need to submit this plan to MassDEP as long as the plan is consistent with the guidance document. The plan must be kept on site and available for MassDEP review. Only a waste ban plan certification form is required to be submitted. This form is available on <http://www.mass.gov/eea/agencies/massdep/recycle/solid/massachusetts-waste-disposal-bans.html#5>.

**Check which form is being submitted.**

<input type="checkbox"/>	certification	Solid Waste transfer station (not C&D waste transfer station) (does not require submittal of waste ban plan)
<input type="checkbox"/>	BWP SW 45	Alternative Review Process (presumptive approval process under 310 CMR 19.034)
<input type="checkbox"/>	BWP SW 22	Landfills – Minor Modifications
<input type="checkbox"/>	BWP SW 21	Modification of a Small Handling Facility <i>Incinerators not submitting BWP SW 45 also submit this form</i>

### 2. Training

**How will requirements of waste ban compliance plan be communicated to relevant staff? Check all boxes that apply.**

- |   |   |
|---|---|
| <input type="checkbox"/> Will conduct annual waste ban training to staff. | <input type="checkbox"/> Distribute compliance plan to staff. |
| <input type="checkbox"/> Discussion at regularly scheduled meetings.      | <input type="checkbox"/> Other _____                          |
- \_\_\_\_\_

### 3. Signage

Please attach photographs, or 8.5" X 11" specification sheet, of signs posted or to be posted at facility entrance and waste receiving areas that inform users of the prohibition against disposal, or transfer for disposal, of asphalt pavement, brick, concrete, cathode ray tubes, commercial organic material, glass containers, lead batteries, leaves and yard waste, mattresses, metal, metal containers, recyclable paper, single polymer plastics (narrow-neck plastic containers), textiles, white goods, whole tires at landfills and wood at landfills. (See Attachment F of the Guidance Document for sample signage)

Signs were posted on \_\_\_\_\_ (date). Signs will be posted on \_\_\_\_\_ (date)



## Waste Ban Compliance Plan

### Part C: Ongoing Waste Stream Monitoring

#### 1. Detection

How will the facility screen all incoming loads for unacceptable quantities of restricted materials? See Guidance Document Section V – “Ongoing Waste Stream Monitoring/Inspection” for description.

**Please check all that apply:**

- ☐ Staff will inspect vehicles prior to dumping
- ☐ Staff will look for banned materials as waste is dumped by truck.
- ☐ Staff will look for banned materials by observing and communicating with residents disposing of waste in designated areas.
- ☐ Staff will look for banned materials as waste is handled by facility personnel operating heavy equipment (i.e., a bulldozer, front end loader).
- ☐ Staff will look for banned materials during separation process on tipping floor.
- ☐ Staff will look for banned materials during separation process on picking lines
- ☐ Other \_\_\_\_\_

#### 2. Record Keeping

Pursuant to 310 CMR 19.017 (5), the facility operator will record and maintain the following information on all loads discovered through ongoing monitoring to contain banned material above Action Levels delivered in vehicles or containers with a capacity greater than 5 (five) cubic yards (*See Attachment A of the Guidance Document for suggested format*):

- Date of inspection;
- Origin of waste (if known); company, address, contact name, phone number, job site name and address
- Quantity of restricted materials discovered;
- Hauler and truck number;
- Scale ticket number (or other facility specific load record number)
- Disposition of restricted materials; and
- Documentation of communication follow-up with haulers and/or generators connected with failed loads, as described in the Guidance Document, Section VIII.

**Please check:**

- ☐ Attached is an example of facility’s Ongoing Monitoring Recording Sheet
- ☐ Facility Operator will record this information on the attached Ongoing Monitoring Recording Sheet
- ☐ Facility does not accept loads in vehicles or containers with a capacity greater than 5 (five) cubic yards



## Waste Ban Compliance Plan

### Part D: Comprehensive Load Inspections

Please note: If the facility serves customers with vehicles or loads with a capacity under 5 cy it is not required to conduct comprehensive load inspections. Please proceed to Part E: Failed Load Follow-Up.

Facilities should conduct a minimum number of comprehensive load inspections per month as indicated on the following Inspection Frequency Chart :

Please check the appropriate box on the chart below based on the facility's permitted size.

#### Inspection Frequency Chart

	Facility Size in Permitted Tons per day	Minimum Number of Vehicles to Inspect per Month (vehicles must have capacity of greater than 5 cubic yards)
<input type="checkbox"/>	Municipal transfer station with no private haulers or commercial users with vehicles with a capacity over 5 cy	0
<input type="checkbox"/>	1-99	4
<input type="checkbox"/>	100-299	8
<input type="checkbox"/>	300-499	12
<input type="checkbox"/>	500-999	16
<input type="checkbox"/>	1000 +	20

### 2. Load Selection

The proposed method of selecting vehicles for inspection should be random. Please refer to the Guidance Document, Section VI for description. **Please describe below how loads will be randomly selected for comprehensive inspections. Attach additional pages if necessary.**





## Waste Ban Compliance Plan

### 3. Inspection Procedure

See Guidance Document, Section V for a description of inspection procedures. **Please describe below how the facility will conduct its comprehensive load inspections for all banned materials. Include information on which personnel are involved and what kinds of equipment will be used:**

Personnel:

Equipment:

Procedure:



## Waste Ban Compliance Plan

### 4. Record Keeping

Pursuant to 310 CMR 19.017 (5) the facility operator will record and maintain the following information on comprehensive load inspection activities. *See Attachment B of the Guidance Document for suggested format.*

- Date and time of inspection
- Origin of waste for failed loads (if known) company, address, contact name, phone number, job site name and address
- Quantity of restricted materials discovered
- Tons or cubic yards of waste in each inspected load
- Hauler name and address and truck number
- Scale ticket number (or other facility specific load record number)
- Disposition of the load and, if accepted, the banned material
- Documentation of communication follow-up with haulers and/or generators connected with failed loads, as described in the Guidance Document.

**Please check:**

- ☐ Attached is an example of facility's comprehensive inspection recording sheet
- ☐ Facility operator will record this information on the attached sheet

## Part E: Failed Load Follow-Up

### 1. Communication

Please refer to the Guidance Document for a description of communication procedures.

- **WASTE SOURCE – COMMERCIAL/PRIVATE HAULER**

Please provide sample letters that will be sent to any hauler and generator (where it can be determined) that delivers a failed load to the facility, describing which material(s) caused the failure, and encouraging the hauler to work with its customers to separate their trash. Accompanying this letter should be a MassDEP Fact Sheet explaining the waste bans. *Refer to the Guidance Document, Attachment C, for suggested language, and Attachment D for the fact sheet.*

- **WASTE SOURCE – MUNICIPALLY-RUN OR CONTRACTED COLLECTION**

Please provide a sample letter that will be sent to any municipality from which unacceptable quantities of banned material was received, describing the materials and encouraging the community to contact MassDEP for technical assistance. Accompanying this letter should be a MassDEP Fact Sheet explaining the waste bans. *See Attachment E for suggested language and Attachment D for the fact sheet.*

- **WASTE SOURCE –WASTE DELIVERED IN VEHICLES WITH A CAPACITY OF 5 CUBIC YARDS OR LESS**

How will the facility inform individuals identified through ongoing monitoring that are not separating banned material from their solid waste? (check all that apply)

- ☐ Verbally inform the individual about the waste bans and that the facility is not allowed to mix restricted materials with solid waste
- ☐ Give the individual the MassDEP Waste Ban Fact Sheet or similar written material
- ☐ Direct the individual to the facility's recycling and/or composting area
- ☐ Give the individual a recycling brochure
- ☐ Other \_\_\_\_\_
- ☐ N/A - The facility does not service individuals delivering waste in small vehicles



## Waste Ban Compliance Plan

### 2. Failed Load Disposition

- ☐ When a failed load is identified, the facility will adhere to the procedures outlined below in the following hierarchy presented:
- Waste ban materials should be separated and recovered to the greatest extent possible.
  - Reject or reload if there are substantial quantities of recoverable materials in the load and there are reasonable outlets for the material, or
  - Accept, separate, and recycle material(s) that caused the load to fail.
  - For asphalt pavement, brick, concrete, metal, wood and/or clean gypsum wallboard transfer to a facility that has an approved waste ban compliance plan that includes diversion of these materials for recycling or reuse, or can demonstrate that they will not accept restricted material for disposal, or further transfer for disposal.
  - As a last resort, dispose (or transfer for disposal), when the waste cannot be recycled, rejected or reloaded because reloading the waste would endanger workers or substantially disrupt facility operations. The facility operator's rationale for disposing a failed load must be recorded and retained in facility's operating logs.
- ☐ Other (please describe)

### 3. Materials Management

To the greatest extent possible, waste ban materials will be separated and recovered. On an average day, specify how will the facility manage each restricted material.

	Reject/Reload	Accept/Separate/ send to recycling/reuse facility	Transfer to another permitted facility for separation	Dispose/transfer for disposal
Lead Batteries	<input type="checkbox"/>	<input type="checkbox"/>		
White Goods	<input type="checkbox"/>	<input type="checkbox"/>		
Whole Tires (at landfills)	<input type="checkbox"/>	<input type="checkbox"/>		
CRTs	<input type="checkbox"/>	<input type="checkbox"/>		
Commercial Organic Material	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Glass Containers	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Metal Containers	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Single-Resin Plastic Containers	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Recyclable Paper	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Leaves	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Yard waste	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<u>Mattresses</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asphalt Pavement, Brick and/or Concrete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



## Waste Ban Compliance Plan

<b>Metal</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Wood</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Clean gypsum wallboard</b>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Comments</b> <p>(1) Identify (name and location) the proposed receiving facilities to be used for outgoing separated recyclable materials for each material type.</p> <p>(2) Identify (name and location) the proposed receiving facilities to be used when transferring waste materials for separation of recyclable material at the receiving facility. If located out-of-state, attach the receiving facility's state issued operating permit describing its operations.</p> <p><del>Identify the proposed receiving facility to be used for materials disposal.</del></p>				

### Materials Management (continued)

Please describe how materials will be handled for recycling:

- ☐ Individuals place materials in designated areas
- ☐ Materials will be manually and/or mechanically separated by facility
- ☐ Other: \_\_\_\_\_

## 4. Construction and Demolition Handling Facilities

If the facility accepts construction and demolition waste, performs separation operations for recyclable materials, and sends the remaining materials to another solid waste facility for disposal or reuse, all of section 4 must be completed. [In this section, facilities should identify how they will comply with MassDEP's Minimum Performance Standard for C&D facilities.](#)

Facilities which accept 50 tons per day or more of C&D waste and transfer all C&D waste to another permitted facility for separation and do not transfer for disposal need only demonstrate how they will comply with the following:

- In order for C&D Handling Facilities to maintain compliance with the requirement in approved Waste Ban Compliance Plans to separate clean gypsum wallboard to the maximum extent possible for recycling, the following measures are to be taken:
  - Loads that include clean gypsum wallboard must be sorted, to the extent it can be done safely, to remove clean gypsum wallboard to the greatest extent possible prior to any mechanical processing of the C&D waste load.
  - Facilities will not be allowed to transfer (including transfer to another C&D Handling Facility) mixed C&D waste loads that contain clean gypsum wallboard without first safely separating the clean gypsum wallboard for recycling.



## **Waste Ban Compliance Plan**

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- In order to be eligible to receive mixed C&D waste loads, a C&D handling facility must implement operating procedures to safely and effectively separate clean gypsum wallboard prior to transferring or processing C&D loads.



## Waste Ban Compliance Plan

The C&D waste handling facility will accept the following materials: (check all that apply)

- ☐ Category 1 C&D Waste
- ☐ Category 2 C&D Residuals
- ☐ Category 3 Bulky Waste
- ☐ MSW
- ☐ Leaf and yard waste
- ☐ Other (identify) \_\_\_\_\_

Attach the following information:

- In a narrative describe the methodology for handling, inspecting and removing waste ban materials for each waste type (e.g. dedicated processing equipment or manual sorting).
- In a narrative, describe the minimum staffing and equipment requirements based on daily tonnage handled. Justification for the minimum staffing requirements must be submitted based on historic operations at the actual facility or similarly equipped facility that demonstrate effective removal of recyclable materials.
- In a narrative, describe the sorting technologies (e.g. conveyors, picking lines, grapples) to be used at the facility and discuss the proposed maximum hourly throughput capacity based on the number of staff performing the separation operation.
- In a narrative, describe the maximum proposed daily tonnage limits for MSW (if applicable) and for Category 1 C&D Waste and the maximum daily tonnage limit for all incoming materials.
- Provide a plan depicting designated areas for incoming material inspection, tipping, processing, waste ban material storage, and outgoing waste material storage.



## Waste Ban Compliance Plan

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### Compliance Plan Checklist

Are the following items attached?

- ☐ Sample signage
- ☐ Comprehensive Inspection Reporting Sheet
- ☐ Ongoing Monitoring Reporting Sheet
- ☐ Sample letter to haulers
- ☐ Sample letter to generators
- ☐ Sample letter to contract municipality
- ☐ Permit modification application
- ☐ Is the certification below signed?



## Waste Ban Compliance Plan

### Certification

I hereby certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and, that based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate and complete. I am fully authorized to make this attestation on behalf of this facility and am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

I also understand that adherence to this Waste Ban Compliance Plan constitutes compliance with the provisions of 310 CMR 19.017. I am aware that if the facility is found to be in non-compliance, MassDEP enforcement actions may be taken, including written notices of non-compliance, consent orders, unilateral orders or referral to the Attorney General's office. No modifications of this plan are permitted unless approved in writing by MassDEP

<i>Signature:</i>	<i>Date:</i>
<i>Print Name:</i>	<i>Phone Number:</i> <i>e-mail:</i>
<i>Title:</i>	<i>Organization Name:</i>





## Waste Ban Compliance Plan

### Definitions Applicable Only for Construction and Demolition Handling Facilities

For the purpose of Attachment G of the Waste Ban Compliance Plan Guidance, the terms herein shall have the following meaning:

Action Level: See Section IV Waste Ban Compliance Standard and Action Level Thresholds in Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP's Waste Bans.

Banned Material Picking Area: Inside area designated by the Facility on the Facility Floor Plan for the storage, spreading, and inspection of tipped waste loads and the removal of Waste Ban Materials.

Banned Material Storage Areas: Inside and outside areas designated by the Facility on the Facility Floor Plan for the containerized storage of separated banned materials after separation from the incoming waste stream.

Bulky Waste: Waste items resulting from commercial or residential activities with low potential for recovering recyclable materials. In general, these materials are generated during commercial and residential building cleanouts and include items not generally accepted during pickup of the typical daily waste stream generated by commercial and residential activities. Examples of bulky waste include but are not limited to, furniture such as tables, chairs, desks, carpets, and temporary partitions such as cubicle walls and toys.

Categories of Waste Material:

- Category 1 - Construction and Demolition Waste - consisting of C&D Waste and partially picked C&D waste. Partially picked C&D waste may include, but is not limited to, materials that may have been previously kicksorted off-site for the removal of metal, large pieces of wood, bulky waste, and Zero Tolerance Items
- Category 2 - Construction and Demolition Residuals
- Category 3 - Bulky Waste

Construction & Demolition Fines (C&D Fines): C&D waste processed through an initial size reduction and screening process in accordance with a MassDEP Beneficial Use Determination (BUD) and **prior to grinding** which is: (a) three inches or less (3" minus) in size; (b) consists primarily of soil and other inert materials, and (c) in no case shall exceed 35% organic content by volume.

Construction & Demolition Residuals (C&D Residuals): C&D material that remains after recyclable materials (asphalt pavement, brick, concrete, metals, wood, clean gypsum wallboard, etc.) have been removed from C&D waste to the greatest extent possible, which may include the C&D fines if not separated out from C&D waste. C&D residuals consist primarily of non-recyclable material.

Construction and Demolition Waste (C&D) Processing Facility: Means a handling facility where construction and demolition waste is brought, stored and processed (usually by sorting, crushing, shredding, screening, etc.) prior to reuse or transport to a solid waste disposal facility or to other types of facilities for recycling, recovery or reuse.

Construction and Demolition Waste (C&D) Transfer Station: Means a transfer station permitted



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by the Department to accept 50 tons per day or more of construction and demolition waste. A C&D waste transfer station may accept other types of solid waste in accordance with its permit.

Construction & Demolition Waste (C&D Waste):

Building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and Demolition waste includes, but is not limited to: metal, concrete, bricks, lumber, masonry, road paving materials, rebar, gypsum wallboard and plaster.

Facility Floor Plan: Plan submitted by the Facility within its Waste Ban Compliance Plan application.

Failed Load: A load which, when delivered to and inspected at a handling or disposal facility is determined to contain a quantity of materials banned from disposal above an Action Level defined herein.

Inside Initial Inspection Area: Inside area designated by the Facility on the Facility Floor Plan for the inspection of waste loads in delivery vehicles after entering the enclosed building and prior to tipping.

Kicksorting: Partial separation of C&D waste material which may include, but is not limited to, the removal of metal, large pieces of wood, bulky waste, Zero Tolerance Items (i.e. cathode ray tubes, tires, lead batteries, and white goods).

Outside Initial Inspection Area: Outside area designated by the Facility on the Facility Site Plan for the inspection of waste loads in delivery vehicles prior to entering the enclosed building and prior to tipping.

Pre-Sorted Processed Waste Storage Area: Inside area designated by the Facility on the Facility Floor Plan for the storage of C&D Residuals received from other C&D Handling Facilities.

Queue Area: Outside area designated on the Facility Site Plan for the queuing of waste delivery vehicles prior to tipping.

Rejected Load: A load which has been determined by the waste handling or disposal facility operator to be a Failed Load, and which the operator elects to refuse acceptance for handling or disposal, and which the operator must reload in the haulers original delivery vehicle or container and return to the hauler.

Waste Ban Materials: Restricted materials listed in 310 CMR 19.017. For purposes of this approval, Waste Ban Materials are further divided into Zero Tolerance Items and Waste Ban Materials subject to Action Levels above zero. Waste Ban Materials subject to Action Level criteria include recyclable paper, combined asphalt pavement, brick, and concrete, metal, wood, clean gypsum wallboard, glass, metal containers, commercial organic material, textiles and leaves and yard waste.

Waste Tipping Area: Inside area designated by the Facility on the Facility Floor Plan for the tipping of waste loads.

Waste Bulking Storage Area: Inside area designated by the Facility on the Facility Floor Plan for the storage of C&D Residuals generated by the Facility prior to transfer for disposal.

Zero Tolerance Items: Items expressly prohibited from disposal listed in 310 CMR 19.017 where the Department has made an Action Level determination of zero. This includes cathode ray tubes(CRT), tires, lead batteries, mattresses and white goods.